



Docket No.: 239534US0CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/629,647
Applicants: Junya YONEDA, et al.
Filing Date: July 30, 2003
For: REMEDIES/PREVENTIVES FOR INFLAMMATORY
DISEASES
Group Art Unit: 1617
Examiner: Soroush, L.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Stephen G. Baxter
Registration No. 32,884

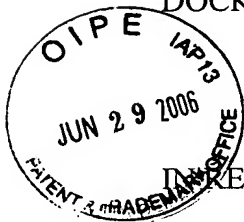
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DOCKET NO.: 239534US0CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

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Junya YONEDA, et al.

: GROUP ART UNIT: 1617

SERIAL NO.: 10/629,647

:

FILED: JULY 30, 2003

: EXAMINER: SOROUGH, L.

FOR: REMEDIES/PREVENTIVES FOR INFLAMMATORY DISEASES

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

Responsive to the Restriction Requirement dated June 2, 2005, Applicants elect, with traverse, Group II, Claims 14-21, for further prosecution.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-13, drawn to a composition comprising ornithine and/or one or more branched amino acids; and

Group II: Claims 14-21, drawn to a method of treating or preventing an inflammatory disease, which comprises administering an effective amount of ornithine and/or one or more branched amino acids.

Applicants elect, with traverse, Group II, Claims 14-21, for further prosecution.

In regard to Groups I and Group II, the Office has characterized the relationship between these groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the process "of treating or preventing an inflammatory disease can be practiced with a corticosteroid." However, the Office has not provided reasons and/or examples to

support this conclusion. Further, the Office has failed to show that the proposed use of the claimed product is materially different from the claimed use. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants also respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

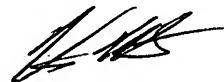
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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